

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. CYPR 101

First Inventor Srinivas G. Rao

Title Treatment and Prevention of Depression
Secondary to Pain (DSP)

Express Mail Label No. EL 717 746 881 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 28]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Pages 1]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No. 10,028,547

Prior application information:

Examiner:

Group Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

23579
(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name Patrea L. Pabst
Holland & Knight LLP

Address 2000 One Atlantic Center
1201 West Peachtree Street

City Atlanta State GA Zip Code 30309-3400

Country United States Telephone 404-817-8473 Fax 404-817-8588

Name (Print/Type) Patrea L. Pabst Registration No. (Attorney/Agent) 31,284

Signature  Date July 24, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 375.00

Complete if Known

| | |
|----------------------|------------------|
| Application Number | Not yet assigned |
| Filing Date | July 24, 2003 |
| First Named Inventor | Srinivas G. Rao |
| Examiner Name | Not yet assigned |
| Art Unit | Not yet assigned |
| Attorney Docket No. | CYPR 101 |

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number
50-1868

Deposit Account Name
Holland & Knight LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 750 | 2001 | 375 | Utility filing fee | 375.00 |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$ 375.00 |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | | Extra Claims | | Fee from below | | Fee Paid | |
|--------------------|----|--------------|---|----------------|---|----------|---|
| | | | | | | | |
| Independent | 18 | -20 | 0 | X | 0 | = | 0 |
| Multiple Dependent | 2 | -3** | 0 | X | 0 | = | 0 |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00

SUBMITTED BY

(Complete if applicable)

| | | | | |
|-------------------|-----------------|-----------------------------------|---------------|--------------------------|
| Name (Print/Type) | Patrea L. Pabst | Registration No. (Attorney/Agent) | 31,284 | Telephone (404) 817-8473 |
| Signature | | Date | July 24, 2003 | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

CYPR 101 088938/00005

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Srinivas G. Rao and Jay D. Kranzler

Serial No.: Express Mail Label No.: EL 717 746 881 US

Filed: July 24, 2003 Date of Deposit: July 23, 2003

For: TREATMENT AND PREVENTION OF DEPRESSION SECONDARY TO
PAIN (DSP)

MS Patent Application
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

**EXPRESS MAIL TRANSMITTAL LETTER
FOR PATENT APPLICATION AND CERTIFICATE OF MAILING**

Sir:

Pursuant to 35 U.S.C. § 21(a) as amended by Public Law 97-247 and 37 C.F.R. § 1.10, applicants enclose for filing the attached patent application entitled "*Treatment and Prevention of Depression Secondary to Pain (DSP)*", which is a continuation-in-part of U.S.S.N. 10/028,547 filed December 19, 2001, which is a continuation-in-part of U.S.S.N. 10/014,149 filed November 5, 2001, and also claims priority to 60/398,676 filed July 24, 2002 and to U.S.S.N. 60/443,035 filed January 28, 2003. The application includes 1 page of abstract, 25 pages of specification, 2 pages of claims, 3 sheets of informal drawings, and an unexecuted Declaration for Patent Application. An executed Declaration for Patent Application, Assignment of rights in the application from Srinivas G. Rao and Jay D. Kranzler to Cypress Bioscience, Inc., Power of Attorney or Authorization of Agent, and a Statement Under 37 C.F.R. § 3.73(b) will be submitted shortly.

Title: TREATMENT AND PREVENTION OF DEPRESSION
SECONDARY TO PAIN (DSP)
Filed: July 24, 2003
Express Mail Transmittal Letter for
Patent Application and Certificate of Mailing
Express Mail Label No.: EL 717 747 881 US
Date of Deposit: July 24, 2003

A check in the amount of \$375.00 to cover the filing fee for a small entity is enclosed.

It is believed that this is the proper filing fee for a small entity as the application contains 2 independent claims, and a total of 18 claims.

This application is entitled to claim small entity status under 37 C.F.R. § 1.27.

This application is being filed on July 24, 2003 by mailing the application to Mail Stop Patent Application, Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450 via the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10. The Express Mail label number appears in the heading of this paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment in connection with this application, to Deposit Order Account No. 50-1868. To facilitate this process, applicants have enclosed a duplicate of this transmittal.

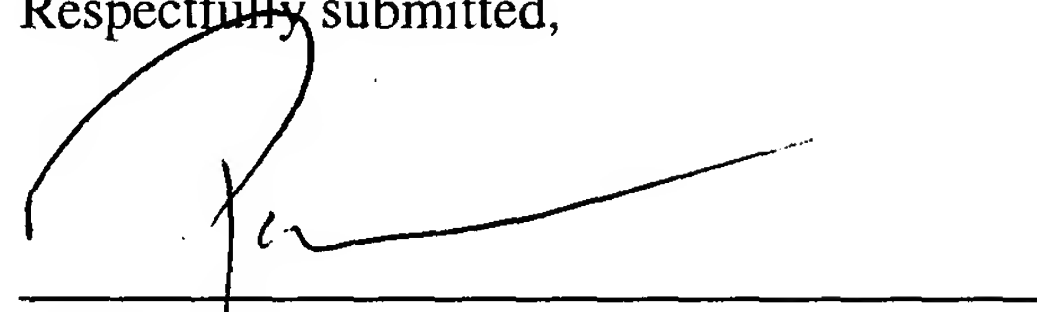
Title: TREATMENT AND PREVENTION OF DEPRESSION
SECONDARY TO PAIN (DSP)
Filed: July 24, 2003
Express Mail Transmittal Letter for
Patent Application and Certificate of Mailing
Express Mail Label No.: EL 717 747 881 US
Date of Deposit: July 24, 2003

All correspondence concerning this application should be mailed to:

Patrea L. Pabst, Esq.
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Atlanta, Georgia 30309-3400

(404) 817-8473 (Telephone)
(404) 817-8588 (Fax)

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284


Date: July 24, 2003

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Title: TREATMENT AND PREVENTION OF DEPRESSION
SECONDARY TO PAIN (DSP)
Filed: July 24, 2003
Express Mail Transmittal Letter for
Patent Application and Certificate of Mailing
Express Mail Label No.: EL 717 747 881 US
Date of Deposit: July 24, 2003

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this Express Mail Transmittal Letter for Patent Application and Certificate of Mailing and any documents referred to as attached therein are being deposited with the United States Postal Service on this date, July 24, 2003, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 746 881 US, addressed to Mail Stop Patent Application, Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450.



Pam Turnbough

Date: July 24, 2003

ATL1 #586799 v1